REMARKS

Claims 1-15, 19-23, 29-43 and 47-51 are pending in the application, with Claims 1, 9, 19, 29, 37 and 47 being independent claims. Claims 1-6, 9-13, 29-34, 37-41 and 47-49 are again rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Padovani (U.S. Patent No. 6,574,211 B2) in view of Piirainen (U.S. Patent No. 6,425,105 B1). Claims 7, 8, 14, 15, 22, 23, 35, 36, 42, 43, 50 and 51 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response to the previous Office Action, Applicants argued that Padovani, Piirainen, or any combination thereof, fails to teach or reasonably suggest selectively checking for errors in the data packet in a received time slot according to whether the received C/I is greater than the first threshold, as recited in Claims 1, 9 and 19. Applicants also argued that Padovani, Piirainen, or any combination thereof, fails to teach or reasonably suggest a device for decoding a data packet in a received time slot and selectively checking for errors in the decoded data packet according to whether the received C/I is greater than the first threshold determining a data rate corresponding to the received power if the received power is less than or equal to the first threshold, and requesting retransmission of the data packet to the AN by transmitting the determined data rate to the AN, as recited in Claim 27, 37 and 49.

The Examiner responded by stating that Padovani discloses the above recitations regarding Claims 1, 9 and 19 in col. 6, lines 51-67, and col. 7, lines 18-36 and 59-67. The Examiner also stated that Piirainen discloses the above recitations regarding Claims 27, 37 and 49 in col. 1, lines 28-48. In particular, the Examiner states that Padovani allegedly discloses that a mobile station measures C/I and identifies a base station based on the C/I measurement itself, bit error rate, or packet error rate.

However, Padovani merely discloses identifying the base station based on C/I measurement or bit error rate, but fails to disclose how to measure the bit error rate. That is, the

bit error rate disclosed by Padovani is merely used for identifying a base station, but has nothing to due error checking of data packet based on whether C/I measurement is greater than the first threshold, as disclosed in the present application.

Moreover, the Examiner states that Applicants arguments filed on July 30, 2007 are not persuasive because Piirainen allegedly discloses that an NAK signal is transmitted requesting for a retransmission when a packet error is received, and also an ACK signal is transmitted when no packet error condition exists. However, Piirainen fails to disclose selectively checking an error of a data packet based on whether C/I measurement is greater than the first threshold, as disclosed in the present application.

The Examiner states, in item 2 of the Office Action, on page 2, that Padovani "clearly establishes in the respective sections that the mobile station measures signal strength and C/I values and compares such values to a predetermined threshold" in col. 6, lines 51-67, col. 7, lines 18-36 and 59-67. In these lines, Padovani describes how a mobile station measures the C/I of the forward link pilot of paging signals from base stations on an active list of base stations and, if the measured C/I of the forward link pilot is above a predetermined add threshold or below a predetermined drop threshold, the mobile station reports this to the base station. Upon decoding subsequent paging messages, and for each time slot until the data transmission is completed, the mobile station measures the C/I of the forward link signals from the base stations in the active set, and selects the best base station on a set of parameters, such as the base station with the largest C/I measurement.

In Padovani, measurement of the C/I by the mobile station is only performed for selecting the best base station, and not for selectively checking for errors in the data packet. Padovani nowhere teaches or reasonably suggests selectively checking for errors in the data packet in a received time slot according to whether the received C/I is greater than the first threshold; and transmitting a signal requesting termination of retransmission of the data packet to the AN if no errors are found in the data packet after checking.

Piirainen describes a bidirectional ARQ apparatus and method. The Examiner relies on col. 1, lines 28-38 for satisfying recitations regarding transmitting a signal requesting termination of retransmission of the data packet to the AN if no errors are found in the data packet. In col. 1, lines 28-38, Piirainen merely describes transmitting an ACK signal when no errors are detected in a message and transmitting a NAK signal when errors are detected. Piirainen merely describes conventional ACK and NAK signaling in an ARQ scheme. Piirainen nowhere teaches or reasonably suggests selectively checking for errors in the data packet in a received time slot according to whether the received C/I is greater than the first threshold; and transmitting a signal requesting termination of retransmission of the data packet to the AN if no errors are found in the data packet after checking. Therefore, Piirainen fails to supplement the deficiencies of Padovani because Padovani, Piirainen, or any combination thereof, fails to teach or reasonably suggest the recitations in the claims.

Accordingly, independent Claims 1, 9, 19, 29, 37 and 47 are allowable over Padovani, Piirainen, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2-8, 10-15, 20-23, 30-43 and 48-51 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, 1-15, 19-23, 29-43 and 47-51, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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